

**N THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TENNESSEE
KNOXVILLE DIVISION**

**BITUMINOUS CASUALTY
CORPORATION,**

Plaintiff,

v.

**WALDEN RESOURCES, LLC, AMWES
EXPLORATION, LLC, DANIEL POTTS,
ZTX DRILLING, LLC, JONATHAN D.
VANN, LEXINGTON INSURANCE
COMPANY, WILD WELL CONTROL, INC.,
MARLOW VOLUNTEER FIRE
DEPARTMENT, SUPERIOR WELL
SERVICES, INC., GRIFFITH SERVICES,
LLC, BLOWOUT TOOLS, INC.,
MILLER PETROLEUM, INC., B. J.
SERVICES COMPANY and MICHAEL
TRUMP,**

Defendants.

Case No. 3:09-cv-00060

(VARLAN/SHIRLEY)

**AGREED ORDER OF DISMISSAL AS TO
DEFENDANT DANIEL POTTS**

It appearing to the Court from the signatures hereto that:

1. As set forth in the complaint for declaratory judgment, interpleader and permanent injunctive relief filed in this action, Daniel Potts was joined pursuant to 28 U.S.C. § 2201, Rule 57 of the Federal Rules of Civil Procedure, 28 U.S.C. § 1335 and Rule 22 of the Federal Rules of Civil Procedure, in that Bituminous Casualty Corporation felt that pursuant to the Declaratory Judgment Act and Federal Interpleader Act Daniel Potts might be affected by the declarations made by this Honorable Court, and based upon the desire of Bituminous Casualty Corporation that Daniel Potts be bound by the declarations made by this Honorable Court as to the issues raised in this action;

2. Daniel Potts has reviewed the complaint for declaratory judgment, interpleader and permanent injunctive relief, and the issues raised therein;

3. Daniel Potts affirmatively states that all matters in controversy involving him have been settled, that he asserts no interest in the remaining determinations requested in the complaint for declaratory judgment, interpleader and permanent injunctive relief, and that he agrees that he will not contest the declarations sought by Bituminous Casualty Corporation in the complaint for declaratory judgment, interpleader and permanent injunctive relief; and

4. Consequently, Bituminous Casualty Corporation and Daniel Potts have agreed that Daniel Potts may be dismissed from this case without prejudice and need not participate further in this litigation.

Based upon the representations contained herein, this Court dismisses Daniel Potts from this matter upon the representations that he will claim no interest under the Declaratory Judgment Act and Federal Interpleader Act in the outcome of the determinations sought by Bituminous Casualty Corporation in the complaint for declaratory judgment, interpleader and permanent injunctive relief.

ENTERED this 29th day of June, 2010.

s/ Thomas A. Varlan

UNITED STATES DISTRICT JUDGE

APPROVED FOR ENTRY:

s/ Parks T. Chastain

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